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P.O. Box 1450  
Alexandria VA 22313-1450  
Tel: 571-272-4683  
Fax: 571-273-0042

Entered: March 1, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Switchcraft, Inc.,  
Junior Party  
(Application 10/863,322;  
Inventor: Andrew Karl Eckhart),

v.

ADC Telecommunications, Inc.,  
Senior Party  
(Patent 6,992,257;  
Inventors: Michael Follingstad, Peter Adams and Jeffrey Peters).

Patent Interference No. 105,717 (RES)  
(Technology Center 2800)

Before: RICHARD E. SCHAFER, JAMESON LEE and  
RICHARD TORCZON, *Administrative Patent Judges*.

SCHAFFER, *Administrative Patent Judge*.

**Judgment - Request for Adverse – 37 C.F.R. § 41.127(b)**

- 1      Switchcraft has filed an amendment for its involved application
- 2      cancelling all its remaining claims designated as corresponding to the count.
- 3      Filing an amendment which cancels all of a party's own claims such that it
- 4      no longer has a claim involved in the proceeding is considered a request for
- 5      entry of an adverse judgment. 37 C.F.R. § 41.127(b)(2).

1           Accordingly, it is

2           **ORDERED** that judgment on priority as to the subject matter of

3   Count 1 (Paper 31, p. 3), is awarded against junior party Switchcraft;

4           **FURTHER ORDERED** that claims 41-59, 61, 63-67, and 69-111 of

5   of Application 10/863,322, all corresponding to Count 1, are finally refused

6   (35 U.S.C. § 135(a));

7           **FURTHER ORDERED** that the paper titled “Amendment” filed as

8   pages 4-23 of Paper 33 be submitted to the patent corps for entry into the file

9   history of Application 10/863,322;

10          **FURTHER ORDERED** that a copy of this judgment be made of

11   record in the files of Application 10/863,322 and Patent 6,992,257; and

12          **FURTHER ORDERED** that if there is any settlement agreement or

13   related documents which have not been filed, attention is directed to

14   35 U.S.C. § 135(c) and 37 C.F.R. § 41.205.

<u>/Richard E. Schafer/</u>	)	
RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
	)	
<u>/Jameson Lee/</u>	)	BOARD OF PATENT
JAMESON LEE	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
<u>/Richard Torczon/</u>	)	
RICHARD TORCZON	)	
Administrative Patent Judge	)	

cc (electronic mail):

Attorney for ADC:

Dennis C. Bremer, Esq.  
CARLSON, CASPERS, VANDENBURGH  
& LINDQUIST  
225 South Sixth Street, Suite 3200  
Minneapolis, MN 55402  
Tel: 612-436-9600  
Email: [dbremer@ccvl.com](mailto:dbremer@ccvl.com)

Steven Bruess, Esq.  
MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
Tel: 612-332-5300  
Email: [sbruess@merchant-gould.com](mailto:sbruess@merchant-gould.com)

Attorney for Switchcraft:

Steven H. Noll, Esq.  
Trevor B. Joike, Esq  
SCHIFF HARDIN, LLP  
Patent Department  
233 S. Wacker Drive-Suite 6600  
Chicago, IL 60606-6473  
Tel: 312-258-5500  
Email: [snoll@schiffhardin.com](mailto:snoll@schiffhardin.com)  
Email: [tjoike@schiffhardin.com](mailto:tjoike@schiffhardin.com)